

**MINUTES
FREMONT CITY COUNCIL MEETING
MARCH 6, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Mayor Morrison called the meeting to order.
- b. Flag Salute:** Girl Scouts led the salute to the flag.
- c. Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **b. Approval of Minutes – None.**
- * **c. Mayor Morrison opened consideration of Appropriation of \$450,000 of Additional Funding to the Osgood Road Improvement Project between Washington Boulevard and Auto Mall Parkway, City Project No. 8173 (PWC)**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Appropriated unallocated gas tax funding from Fund 135 in the amount of \$450,000 to 135PWC8173, the Osgood Road Improvement Project, City Project No. PWC 8173.
2. Authorized the City Manager or his designee to appropriate any PG&E claim reimbursement or additional federal STP funds received for this project to PWC 8173 and return unused gas tax appropriations to the original source.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** d. Mayor Morrison opened consideration of Approval of Master Programs Funding Agreement Between the Alameda County Transportation Commission (ACTC) and the City of Fremont**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council approved a 10-year Master Programs Funding Agreement (MPFA) between the Alameda County Transportation Commission (ACTC) and the City of Fremont to replace the existing MPFA agreement between the Alameda County Transportation Improvement Authority (ACTIA) and the City of Fremont that expires on March 31, 2012; and authorize the City Manager or his designee to execute the new MPFA. The new agreement will serve as the contract for distribution and receipt of current Measure B transportation sales tax revenues and new Vehicle Registration Fee revenues.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** e. Mayor Morrison opened consideration to Appropriate the Fiscal Year 2011/12 TFCA Grant Funds of \$256,000 to PWC 8795 for the Signal Retiming Project on Fremont Boulevard, Decoto Road, Paseo Padre Parkway, and Alvarado Boulevard**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council accepted and authorized appropriation of \$256,000 of grant funds awarded to the City from TFCA to 523PWC8795 (TFCA 11-12 Signal Retiming- North Fremont Arterial Management on Fremont Boulevard, Decoto Road, Paseo Padre Parkway, and Alvarado Boulevard.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** f. Mayor Morrison opened consideration to Authorize the City Manager to Execute a Weed and Waste Abatement Contract with Imhof Tractor Services, Inc.**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Authorized the City Manager or his designee to enter into an agreement with Imhof Tractor Services, Inc., for weed and waste abatement services in an amount not to exceed \$162,500 for basic services in any calendar year through December 31, 2014, with a total contract value not-to-exceed \$325,000 for basic services, and not to exceed \$50,000 for unanticipated additional services during the initial contract term; and March 6, 2012
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2. Authorized the City Manager or his designee, at the City Manager's discretion, to approve and execute up to two one-year extensions to the contract with Imhof Tractor Services, Inc., for weed and waste abatement services in an amount not to exceed \$170,625 for the first one-year extension, and an amount not to exceed \$179,156 for the second one-year extension, plus any remaining additional services funds not expended in the initial contract term.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra

Noes: None

Absent: None

Abstain: None

*** g. Mayor Morrison opened consideration of Introduction of an Ordinance Amending Council Payroll from Monthly to Bi-weekly**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Introduce an ordinance authorizing an amendment to the City's Municipal Code Section 2-1103 to convert the Mayor and City Council payroll from the current monthly pay cycle to the regular bi-weekly cycle.
2. Direct staff to prepare and the Clerk to publish a summary of the ordinance.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra

Noes: None

Absent: None

Abstain: None

*** h. Mayor Morrison opened consideration of Initiation of Proceedings to Consider a General Street Vacation to Abandon a Portions of Gateway Boulevard and Lakeview Drive and Adjacent Easements Located at the Easterly Terminus of Gateway Boulevard Between Lakeview Drive and Interstate 880 in the Bayside Industrial Community Plan Area.**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council adopted a motion initiating general street vacation proceedings pertaining to portions of Lakeview Drive and Gateway Boulevard and adjacent easements and direct the City Clerk to set and publicly notice a public hearing to be held on April 3, 2012.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** i. Mayor Morrison opened consideration of Approval of Annex to ABAG's Multi-Jurisdictional Local Hazard Mitigation Planning Report, as Required by FEMA**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council approved Resolution No. 2012-10 adopting the Association of Bay Area Governments' (ABAG) report, "Taming Natural Disasters," as supplemented by the City of Fremont LHMP Annex (including the City of Fremont Hazard Mitigation Strategies), as the City of Fremont's Local Hazard Mitigation Plan. As of the writing of this report, the Federal Emergency Management Agency (FEMA) has yet to review and approve the City's Annex to the 2010 ABAG Local Hazard Mitigation Plan. Although FEMA review and approval is pending, ABAG recommends seeking Council approval now, so the City's Annex can be approved before the deadline of June 30, 2012. City Council approval will be conditional, pending FEMA approval.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

- a. Proclamation: Girl Scouts' Week in Commemoration of the 100th Anniversary of Girl Scouts of the USA**

4. PUBLIC COMMUNICATIONS

- a. Oral and Written Communications**

Linda Susoev expressed a variety of concerns. Wynn Grich (Fluoride Action Network & A.T.O.W.N.) expressed concern about the potential contamination of local drinking water.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

7. OTHER BUSINESS

a. Mayor Morrison opened consideration of Introduction of an Ordinance to Amend the Fremont Municipal Code Title V, Chapter 1, to Re-establish an Exemption from Payment of Business Taxes for a Defined Period of Time for Clean Technology Businesses, and to also Include Qualified Biotechnology Companies

Nina Moore, Fremont Chamber of Commerce, spoke in support of the business tax extension. Economic Development Director Kelly Kline responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Hold Public Hearing
2. Find the project exempt from the California Environmental Quality Act under Guideline 15061(b)(3).
3. Introduce an ordinance amending Section 5-1107 of the Fremont Municipal Code to establish a business tax exemption for Clean March 6, 2012 Fremont City Council Page 7
4. Technology and Biotechnology Businesses until December 31, 2016. Once approved for the exemption, it can be claimed by qualifying clean technology and biotechnology firms for up to 5 years for a new company and up to 2 years for an existing company.
5. Direct staff to prepare and the Clerk to publish a summary of the ordinance

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

b. Mayor Morrison opened consideration of Ssecond Reading and Adoption of an Ordinance to Amend the City's CalPERS Plans to Implement a Second, Lower Tier Retirement Benefit

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council adopted Ordinance No. 02-2012 authorizing an amendment to the contract between the City Council of the City of Fremont and the Board of Administration of the California Public Employees' Retirement System, implementing the second tier retirement benefit as described in the staff report.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

c. Mayor Morrison opened consideration of Consideration of Adoption of a Resolution of Necessity Authorizing Filing of Eminent Domain Action to Acquire Property Owned by Union Pacific Railroad Company on Warren Avenue

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Conduct a hearing.
2. Adopt Resolution No. 2012-11, a Resolution of Necessity making the findings, determine that the public interest and necessity require the acquisition of the subject properties, and authorize the commencement of eminent domain proceedings.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

d. Mayor Morrison opened consideration of an Update on the Status of the FY 2011/12 Operating Budget and Outlook for FYs 2012/13, 2013/14 and 2014/15

City Council received information and provided comment to staff.

8. COUNCIL COMMUNICATIONS

- a. Council Referrals – None.**
- b. Oral Reports on Meetings and Events**

Councilmembers reported on their various meetings and activities.

9. SUCCESSOR AGENCY

- a. Mayor Morrison opened consideration of Adoption of an Enforceable Obligation Payment Schedule, Approving the Recognized Obligation Payment Schedule, Making Certain Determinations Regarding Separate Assets and Liabilities of the Successor Agency, and Directing the City Manager to Take all Actions Necessary to Effectuate Associated Requirements of ABX1 26**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council adopted Resolution No. SA-2012-1 of the City Council, in the capacity as governing board of the Successor Agency to the former Redevelopment Agency, including the following:

- (1) Adopting an Enforceable Obligation Payment Schedule (EOPS);
- (2) Approving the Recognized Obligation Payment Schedule (ROPS);

- (3) Making certain determinations and directions regarding the separate assets and liabilities of the Successor Agency; and
- (4) Authorizing the City Manager or his designee to take such actions and execute such other documents as are appropriate to effectuate the intent of the resolution and all actions necessary to effectuate associated requirements of the Dissolution Act.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra

Noes: None

Absent: None

Abstain: None

10. ADJOURNMENT: There being no further business, Vice Mayor Natarajan adjourned the meeting at 8:55 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor